

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Bail Appl..No. 7099 of 2006()

CRIME NO. 228/2006 OF FEROKE POLICE STATION

PETITIONER/ACCUSED

RAMACHANDRAN,
S/O.MADHAVAN, PUNNATH EDASSERIKOLIL,
KAKKOVU AMSOM AND DESOM,
ERNAD TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
FEROKE POLICE STATION,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 11/12/2006, THE COURT ON 13-12-2006 PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 7099 of 2006

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Dated, this the 13th day of December 2006

ORDER

The petitioner who is the first accused in Crime No. 228/2006 of Feroke Police Station for an offence punishable under Sec. 420 read with Sec. 34 I.P.C. seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application. He made available to me the case diary files relating to the matter.

3. Some time in May 2006 accused Nos. 1 and 2 promising the de facto complainant who is a lady belonging to the Schedule Caste to help her to secure a housing loan from the Kudumbasree induced her to part with her title deed in respect of her residential building and appurtenant land costing Rs. 5,00,000/-. They also secured her signature in a blank stamp paper. After converting the said stamp paper into an agreement for sale, the petitioner has instituted a suit for specific performance alleging that the de facto complainant had agreed to sell her property to him.

4. Investigation of the case is still in the preliminary stage. It is too early to conclude that the petitioner is not guilty of the offence alleged and that the de facto complainant was willingly executing the

agreement for sale in favour of the petitioner, I am not inclined to grant anticipatory bail to the petitioner. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of, preferably, on the same date on which it is filed.

With the above observation, this application is dismissed.

**Sd/-V. RAMKUMAR,
(JUDGE)**

ani.